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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/781,213	02/17/2004	Douglas Spriggs Selsam		1944

7590 04/05/2005
DOUGLAS SPRIGGS SELSAM
2600 PORTER AVE. UNIT B
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EXAMINER

KERSHTEYN, IGOR

ART UNIT PAPER NUMBER

3745

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

5D

Office Action Summary	Application No.	Applicant(s)	
	10/781,213	SELSAM, DOUGLAS SPRIGGS	
	Examiner	Art Unit	
	Igor Kershteyn	3745	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 11 is/are allowed.
- 6) ☒ Claim(s) 6-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The abstract of the disclosure is objected to because it contains the legal phraseology "means". Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In line 3, claim 6 recites "a normal tower" which is indefinite because it is unclear what is the meaning of "a normal tower" is.

Claims 7-10 are indefinite by virtue of their dependency on claim 6.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3745

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6, 7, and 9, as far as they are definite, are rejected under 35

U.S.C. 102(b) as being anticipated by Are (4,213,057).

In figures 1 and 2, Are teaches a coaxial, multi-rotor wind turbine 10 having rotors 12,14 attached at spaced intervals to a driveshaft 74, wherein one said spaced interval is large enough to allow said turbine 10 to be mounted atop an elevation means 20,32,44 that is wider than a normal tower without contact between said rotors 12,14 and said elevation means 20,32,44.

Claims 6 and 7, as far as they are definite, are rejected under 35 U.S.C. 102(b) as being anticipated by Shin et al. (5,222,924).

In figure 3, Shin et al. teach a coaxial, multi-rotor wind turbine having rotors 300 attached at spaced intervals to a driveshaft 310, wherein one said spaced interval is large enough to allow said turbine 300 to be mounted atop an elevation means (not numbered) that is wider than a normal tower without contact between said rotors 300 and said elevation means.

Note. Eventhough references to Are and Shin et al. does not explicitly disclose “spaced interval is large enough to allow said turbine to be mounted atop an elevation means without contact between said rotors and said elevation means” in their specifications the embodiments they show in the drawings do anticipate claims because they clearly show all the claimed structural features. See MPEP 2125.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Are (4,213,057) in view of Kronmiller (4,087,196).

Are teaches all the claimed subject matter except that he doesn't teach the elevation means is a tripod tower.

Kronmiller, in figures 1-4, teaches a coaxial multi-rotor wind turbine having rotors 45,40 attached at spaced intervals to a driveshaft 33 and mounted atop an elevation means 25, wherein said elevation means is a tripod tower.

Since Are and Kronmiller are analogous art because they are from the same field of endeavor, that is the coaxial multi-rotor elevated wind turbine art, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the wind turbine of Are with the tripod elevation means as taught by Kronmiller for the purpose of elevating the wind turbine above the ground.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Are (4,213,057) in view of Black (4,321,005).

Are teaches all the claimed subject matter except that he doesn't teach the elevation means is a building.

Art Unit: 3745

Black, in figure 12, teaches a coaxial multi-rotor wind turbine 10 having rotors 36 attached at spaced intervals to a driveshaft 38 and mounted atop an elevation means 12, wherein said elevation means 12 is a building.

Since Are and Black are analogous art because they are from the same field of endeavor, that is the wind turbine art, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to mount the wind turbine of Are on top of the building as taught by Black for the purpose of eliminating electrical lines mounted on poles connecting the wind turbine and power consumer.

Allowable Subject Matter

Claims 1-5, and 11 are allowed.

Prior Art

Prior art made of record but not relied upon is considered pertinent to Applicant's disclosure and consist of five patents.

Smith (628,493) is cited to show a coaxial multi-rotor wind turbine having a multiplicity of rotors attached to a driveshaft but fails to teach means to furl sideways to the wind.

Carlson (893,052) is cited to show a coaxial multi-rotor wind turbine having a multiplicity of rotors attached to a driveshaft but fails to teach means to furl sideways to the wind.

Art Unit: 3745

Mulrony (1,266,518) is cited to show a coaxial multi-rotor wind turbine having a multiplicity of rotors attached to a driveshaft at spaced intervals but fails to teach spaced interval large enough to allow said turbine to be mounted atop an elevation means without contact between said rotors and said elevation means.

Hachmann (3,032,119) is cited to show a coaxial multi-rotor wind turbine having a multiplicity of rotors attached to a driveshaft at spaced intervals but fails to teach spaced interval large enough to allow said turbine to be mounted atop an elevation means without contact between said rotors and said elevation means.

Lamont (6,126,385) is cited to show a coaxial multi-rotor wind turbine having a multiplicity of rotors attached to a driveshaft but fails to teach means to furl sideways to the wind.

Contact information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kershteyn whose telephone number is **(571)272-4817**. The examiner can be reached on Monday-Friday from 8:00 a.m. to 4:30 p.m.

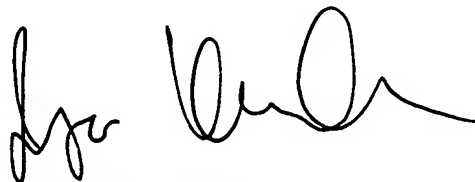
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look, can be reached on **(571)272-4820**. The fax number is (703) 872-9306.

Art Unit: 3745

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308 0861.

IK

April 1, 2005

A handwritten signature in black ink, appearing to read 'Igor Kershteyn', written in a cursive style.

Igor Kershteyn
Patent examiner.
Art Unit 3745